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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hang-Chiung LIN et al. Confirmation No: 8466
Appl. No. : 10/717,559
Filed : November 21, 2003
Title : PHARMACEUTICAL COMPOSITION FOR ENHANCING
IMMUNITY, AND EXTRACT OF PORIA

TC/A.U. : 1617
Examiner : C.K. Huynh

Docket No.: : LINH3023/REF
Customer No: : 23364

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the notice of non-complaint appeal brief mailed on July 28, 2008 in connection with the above-identified application. This response is timely filed.

This notice requires the filing of a new summary and not an entire new brief. Applicants submit herewith the required corrected summary in which claim 1 has been changed to read claim 6. The number 1 was a typographical error for 6.

Please enter this correction and forward the appeal brief to the Examiner for early consideration and allowance of this application.

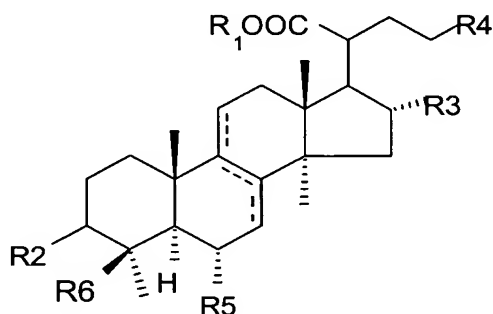
Respectfully submitted,
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REF:ref:cjw
August 25, 2008

41.37 (c)(1)(v) SUMMARY OF CLAIMED SUBJECT MATTER

Claim 6 relates to a *Poria* extract capable of enhancing immunity of a mammal comprising 5-60% of a lanostane having the following chemical formula (I) by weight of the extract, and being substantially devoid of secolanostane:



(I)

wherein R_1 is either H or CH_3 ; R_2 is OCOCH_3 , $=\text{O}$ or OH ; R_3 is H or OH ; R_4 is $-\text{C}(=\text{CH}_2)-\text{C}(\text{CH}_3)_2\text{R}_a$, wherein R_a is H or OH , or $-\text{CH}=\text{C}(\text{CH}_3)-\text{R}_b$, wherein R_b is CH_3 or CH_2OH ; R_5 is H or OH ; and R_6 is CH_3 or CH_2OH . Page 6, lines 1-14

Claim 7 claims the extract which is prepared by a method comprising the following steps:

- a) extracting metabolites, fermentation products or sclerotium of *Poria cocos* (Schw) Wolf by water, methanol, ethanol, or a mixed solvent thereof;
 - b) concentrating the resulting liquid extract from step a);
 - c) introducing the resulting concentrated substance from step b) into a silica gel column;
 - d) eluting the silica gel column with an eluent having a low polarity, and collecting the resulting eluate;
 - e) concentrating the eluate to form a concentrated eluate,
- wherein the concentrated eluate from step e) has a chromatographic value, R_f , not less than 0.1 in accordance with a thin layer chromatography, which is developed by a

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Notice of Appeal filed: March 10, 2008

mixed solvent of dichloromethane : methanol = 96:4 and is detected by an ultraviolet lamp and iodine vapor. See page 6, line 13 to page 7, line 5.